

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

<b>KENNETH L. MANGRUM,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-14-085-RAW-KEW</b>
	)	
<b>CAROLYN W. COLVIN,</b>	)	
<b>Acting Commissioner of Social Security</b>	)	
<b>Administration,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER REMANDING CASE FOR FURTHER PROCEEDINGS**

On April 30, 2015, Magistrate Judge West entered a Report and Recommendation in the above-referenced case, recommending that this court reverse the Commissioner's decision upholding on appeal the findings of the Administrative Law Judge ("ALJ"), denying benefits to plaintiff. Defendant filed an objection to the Report and Recommendation, and plaintiff has filed a response to the objection.

Essentially, defendant's argument is that even if the ALJ made an error at step two, it was harmless error because the ALJ made an alternative determination at step five that plaintiff was not disabled. The court finds persuasive plaintiff's argument that the alternative determination was also flawed. Remand is appropriate.

Upon full consideration of the entire record and the issues herein, this court finds that the Magistrate Judge's findings are supported by substantial evidence and the prevailing legal authority. Accordingly, the Report and Recommendation of the United States Magistrate Judge is hereby **AFFIRMED** and **ADOPTED** as this court's Findings and Order. The

decision of the Secretary is reversed and this case is remanded to Defendant pursuant to the fourth sentence of 42 U.S.C. §405(g) for further administrative proceedings.

**ORDERED THIS 22<sup>nd</sup> DAY OF SEPTEMBER, 2015.**

**Dated this 22<sup>nd</sup> day of September, 2015.**

A handwritten signature in cursive script, reading "Ronald A. White", written in black ink on a white background.

Ronald A. White  
United States District Judge  
Eastern District of Oklahoma